

House File 2590 - Introduced

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2142)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act stating the general assembly's intent regarding a private
2 cause of action for consumer fraud violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5242HV 82
5 rh/rj/14

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1 1 Section 1. PRIVATE CAUSE OF ACTION == CONSUMER FRAUDS ==
1 2 INTENT. It is the intent of the general assembly to protect
1 3 consumers in this state from fraud and to provide statutory
1 4 remedies for the victims of consumer frauds.
1 5 EXPLANATION
1 6 This bill provides that it is the intent of the general
1 7 assembly to provide statutory remedies for the victims of
1 8 consumer frauds.
1 9 The bill does not apply to certain advertising by a
1 10 retailer for a product unless the retailer participated in the
1 11 preparation of the advertisement or knew or should have known
1 12 that the advertisement was deceptive or misleading, print
1 13 media in which the advertisement appears or electronic media
1 14 which disseminates the advertisement if the print or
1 15 electronic media has no knowledge of the fraudulent intent,
1 16 design, or purpose of the advertiser at the time the
1 17 advertisement is accepted, and any advertisement that complies
1 18 with the statutes, rules, and regulations of the federal trade
1 19 commission.
1 20 The bill authorizes the attorney general to oversee private
1 21 consumer fraud actions, including small claims court actions,
1 22 by requiring a party filing a petition, counterclaim,
1 23 cross-petition, or pleading in intervention alleging a
1 24 violation under the bill to provide a copy of the relevant
1 25 documents, including judgments and notices of appeal, to the
1 26 attorney general. In addition, the attorney general may
1 27 intervene as a party in a private consumer fraud action at any
1 28 time, or may be heard in such an action at any time.
1 29 The bill provides that failure to provide all mailings of
1 30 petitions, orders, judgments, and notices of appeal to the
1 31 attorney general shall not be grounds for dismissal, but shall
1 32 be grounds for a subsequent action by the attorney general to
1 33 vacate or modify the judgment.
1 34 LSB 5242HV 82
1 35 rh/rj/14